

Your Right to Appeal

If you disagree with the determination you received, you have the right to file an appeal. You must file a written appeal in person, by mail or by fax. In person, a timely appeal must be filed in the Local Office within thirty (30) days of the date of this notice. For an appeal submitted by mail to be timely, it must bear a postmark date within the applicable time limit for filing. If the last day for filing your appeal is a day that the office is closed, the appeal may be filed on the next day that the office is open. File your appeal with your local office by mail, in person or by fax.

To file a timely appeal by fax it must be faxed within thirty (30) days of the date of the determination. Fax your letter of appeal to your local office.

If you file an appeal, a hearing will be held before a Hearings Referee who will give you an opportunity to present evidence. You will be notified in advance of the time and location of the hearing. If you are unemployed, continue to telephone (or mail) your certifications until the appeal is decided.

EXPLANATION

The decision you received has been made as the result of an audit of your previous claim for Unemployment Insurance benefits. The type of overpayment is indicated by the title of the attached letter.

NON-FRAUD OVERPAYMENT - NOTICE OF RECONSIDERED DETERMINATION AND RECOUPMENT DECISION

You were previously paid Unemployment Insurance benefits for the weeks shown on the letter. These payments have been reconsidered and it has been determined that you received benefits that you were not eligible to receive. If you do not repay the overpayment, the overpaid sums may be recovered from any future monies owed you by the State of Illinois Comptroller and your Unemployment Insurance benefits may be offset by 25% of your weekly benefit amount.

FRAUD OVERPAYMENT - NOTICE OF FRAUD DETERMINATION

You were previously paid Unemployment Insurance benefits for the weeks shown on the letter you received. After an investigation, it has been found that you knowingly made false statements and/or failed to disclose material facts for the purpose of obtaining benefits. For instance, if you worked, earned wages, or returned to work and did not accurately or completely report those facts, you made false statements.

Until repaid a fraud overpayment may be recovered from any future monies owed to you by the State of Illinois Comptroller and your Unemployment Insurance benefits may be offset by 100%. Any unpaid or unrecovered amount of fraud overpayment will remain collectable and on your record indefinitely.

This overpayment may result in criminal prosecution under the State Benefits Fraud and Perjury laws of the State of Illinois or may be recovered by filing a suit against you, or both.

PENALTY

In addition to the dollar amount of the fraud overpayment shown on the letter, you are also ineligible for the number of weeks which are shown as the penalty period. If you become unemployed, or are currently filing and meet all of the eligibility requirements, you may receive credit towards the penalty period by certifying for the week of unemployment. No benefits are paid to you and no credit is applied towards the overpayment balance while you are serving penalty weeks. If you are not currently filing for benefits but do so at any time within 2 years from the date of this determination, the penalty weeks will be applied.

REPAYMENT INFORMATION

You must repay the amount of overpayment. Make your check or money order payable to the "Director of Employment Security - Benefit Account", print your name and Claimant ID Number on your payment and mail it with the transmittal you received to:

Illinois Department of Employment Security
Benefit Repayments
28542 Network Place
Chicago, Illinois 60673-1285

To pay by phone using a credit card, call 1-877-820-9155. To pay by mail using a credit card, complete the credit card section of the payment transmittal you received and mail it to the address listed above. The credit card used must be issued in your name.

Reprint of Applicable Sections of the Law

ILLINOIS UNEMPLOYMENT INSURANCE ACT. 820 ILCS 405 et seq.:

Section 900 (par. 490) Recoupment.

A. Whenever an individual has received any sum as benefits for which he is found to have been ineligible, the amount thereof may be recovered by suit in the name of the People of the State of Illinois, or, from benefits payable to him, may be recouped:

1. At any time, if, to receive such sum, he knowingly made false statement or knowingly failed to disclose a material fact.
2. [O]r within 5 years from any date ... on which he has been found to have been ineligible for any other reason...

E. The amount recouped pursuant to paragraph 2 of subsection A from benefits payable to an individual for any week shall not exceed 25% of the individual's weekly benefit amount.

Section 901 (par. 491) Fraud - Repayment - Ineligibility.

An individual who, for the purpose of obtaining benefits, knowingly makes a false statement or knowingly fails to disclose a material fact, and thereby obtains any sum of benefits for which he is not eligible:

- A. Shall be required to repay such sum in cash, or the amount thereof may be recovered or recouped pursuant to the provisions of Section 900.
- B. Shall be ineligible for benefits for the week in which he has been notified of the determination of the claims adjudicator referred to in Section 702 that he is ineligible for benefits by reason of the offense described in the first paragraph and, thereafter, for 6 weeks (with respect to each of which he would be eligible for benefits but for the provisions of this paragraph) for the first offense, and for 2 additional weeks (with respect to each of which he would be eligible for benefits but for the provisions of this paragraph) for each subsequent offense. For the purposes of this paragraph, a separate offense shall be deemed to have been committed in each week for which an individual has received a sum as benefits for which he was not eligible. No ineligibility under the provisions of this paragraph shall accrue with respect to any week beginning after which ever of the following occurs first: (1) 26 weeks with respect to each of which the individual would be eligible for benefits but for the provisions of this paragraph have elapsed since the date his ineligibility began pursuant to this paragraph, or (2) 2 years have elapsed since the date his ineligibility began pursuant to this paragraph.

STATE BENEFITS FRAUD – PERJURY

720 ILCS 5/17-6. State benefits fraud.

17-6. (a) Any person who obtains or attempts to obtain money or benefits from the State of Illinois, from any political subdivision thereof, or from any program funded or administered in whole or in part by the State of Illinois or any political subdivision thereof through the knowing use of false identification documents or through the knowing misrepresentation of his age, place of residence, number of dependants, marital or family status, employment status, ... or any other material fact upon which his eligibility for or degree of participation in any benefit program might be based, is guilty of State benefits fraud.

(c) State benefits fraud is a Class 4 felony except when more than \$300 is obtained, in which case State benefits fraud is a Class 3 felony.

720 ILCS 5/32-2. Perjury

32-2. (a) A person commits perjury when, under oath or affirmation, in a proceeding or in any other matter where by law such oath or affirmation is required, he makes a false statement, material to the issue or point in question, which he does not believe to be true.

(c) Perjury is a Class 3 felony.

ILLINOIS COMPTROLLER ACT, 15 ILCS 405/10.05:

Whenever any person shall be entitled to a warrant or other payment from the treasury or other funds held by the State Treasurer, on any account, against whom there shall be any account or claim in favor of the State, ...the Comptroller ...may deduct the entire amount due and payable to the State ...in accordance with request from the notifying agency...